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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.       |
|---|-------------|----------------------|---------------------------------|------------------------|
| 10/806,212  | 03/23/2004  | Jae-ryong Park       | 1572.1202                       | 1739                   |
| 21171   | 7590        | 12/11/2007           |                                 |                        |
| STAAS & HALSEY LLP<br>SUITE 700<br>1201 NEW YORK AVENUE, N.W.<br>WASHINGTON, DC 20005 |             |                      | EXAMINER<br>ALEXANDER, REGINALD |                        |
|   |             |                      | ART UNIT<br>3742                | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>12/11/2007         | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/806,212

Applicant(s)

PARK ET AL.

Examiner

Reginald L. Alexander

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-7, 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claims it is not clear if the recited brackets are additional to the spacing part or a form of spacing part.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 and 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Zimmer et al.

There is disclosed in Harrison a bread baking device, comprising: a main body 22, including a frame 52 forming an oven compartment (inner chamber); an oven 28, including a rear part and side parts, accommodated in the oven compartment of the main body; a heating system 71, 74, 106; and a kneading system 44; a space provided between the main body and the oven; wherein the main body is insulated from the oven (col. 3, lines 24-29).

Zimmer discloses a cooking oven, including a main body 19 having an oven compartment; an oven 18 including rear and side parts accommodated in the oven compartment; a plurality of spacing parts 28 provided between the main body and the oven to form a space between the main body and the oven, each of the spacing parts including a protruding part or bracket protruding toward the main body; and an insulation member 30 in the space.

While Harrison fails to disclose a spacing part and specific insulation member, such deficiencies have been taught to be old and well known in the art with the disclosure of Zimmer.

It would have been obvious to one skilled in the art to provide the device of Harrison with spacing members (protruding part, bracket) and an insulation material as taught in Zimmer, in order to provide structural support and a rigid connection between the oven and oven compartment and prevent the main body from becoming hot during use of the device.

The spacing members of Zimmer appear to be between the sides, bottom and rear of the oven and the main body.

Claims 5-7 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims above, and further in view of Sakamoto.

Sakamoto discloses that it is known in the art to use brackets as a spacing member between an oven and oven main body, the brackets being located at the sides, and rear of the main body and being supported by screws.

It would have been obvious to one skilled in the art to provide the device of Harrison, as modified by Oslin, with the spacing members taught in Sakamoto, in order to provide structural support and a rigid connection between the oven and oven compartment.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hedenberg '850 in view of Zimmer et al.

There is disclosed in Hedenberg a bread maker, comprising: a frame (outer housing) to form an oven compartment; a kneading drum 88; an oven 81, 82 including a rear part and a side part accommodated in the oven compartment; and an insulation 15 provided between the frame and the oven (see fig. 15).

Zimmer, as discussed above, discloses the use of a spacing part to form a space between a main body and oven and combine the main body and oven.

It would have been obvious to one skilled in the art to provide the device of Hedenberg with the spacing part taught in Zimmer, in order to provide support to the insulated oven member in respect to the main body.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Morgan et al., Pickles, Rutter et al. and Horn are cited for their disclosure of spacing elements.

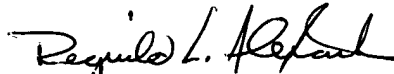
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rla  
27 November 2007

  
Reginald L. Alexander  
Primary Examiner  
Art Unit 3742